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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,690	08/31/2000	Jeffrey L. Huckins	INTL-0454-US(P9662)	3146
7590 10/27/2003			EXAMINER	
Timothy N Trop Trop Pruner & Hu PC Suite 100 8554 Katy Freeway Houston, TX 77024			SALAD, ABDULLAHI ELMI	
			ART UNIT	PAPER NUMBER
			2157	
DATE MAILED: 10/27/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/652,690

Applicant(s)

HUCKINS, JEFFREY L.

Examiner

Salad E Abdullahi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This application has been reviewed. Original claims 1-19 are pending. The rejection cited stated below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless--

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 8-11, 18-21, and 24-30, are rejected under 35 U.S.C. 102(e) as being anticipated by Itoh et al., U.S. Patent No. 6,330,611.

As per claim 1, 11, 21, 24, 27 and 30, Itoh et al., disclose system comprising:

- receiving on a first client a message (command) from a server addressed to said client (see col. 7, lines 26 to col. 8, line 14); and

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- controlling the storage of information on said client based on information included in said message (see col. 7, lines 26 to col. 8, line 14).

In considering claims 9, 10, 19, 20, 25, 26, 28 and 29, Itoh et al., discloses a system including receiving a message including an identifier which specifies a task to perform on a storage device (see col. 7, lines 26 to col. 8, line 14).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-7, 12-17, and 22-23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh et al., U.S. Patent No. 6,330,611, as applied to claims 1, 11, 21, 24, 27 and 30 above, and further in view of Dan et al., U. S. Patent No. 5,561,637.

In considering claims 2, and 12. Although, Itoh et al., disclose substantial features of the claimed invention including receiving on a first client a message (command) from a server addressed to said client and controlling the storage of information on said client based on information included in said message (see col. 7, lines 26 to col. 8, line 14).

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Itoh et al., is silent regarding:

assigning an individual identifier to the clients comprising a set of clients including said first client;

assigning a group identifier to a subset of the clients within the set of clients; and

enabling the first client in said set to determine whether a message is sent to the first client or to the subset.

Dan et al., discloses a distributed messaging system among group of clients including the steps of assigning an individual identifier to the clients comprising a set of clients including:

said first client (leader)(see the abstract and col. col. 1, lines 50-67 and col. 2, line 61 to col. 3, line 6);

assigning a group identifier to a subset of the clients within the set of clients (see the abstract and col. col. 1, lines 50-67 and col. 2, line 61 to col. 3, line 6);and

enabling the first client in said set to determine whether a message is sent to the first client or to the subset (see the abstract and col. col. 1, lines 50-67 and col. 2, line 61 to col. 3, line 6). Therefore, it would have been obvious to one having ordinary skill in the

art at time of the invention presented with teaching of Itoh et al., to utilize the distributed messaging system as taught by Dan et al., such that Itoh's clients can be managed efficiently.

In considering claims 3 and 13, Dan et al., disclose a system further including sending a

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single message to a subset of said clients (see the abstract and col. col. 1, lines 50-67 and col. 2, line 61 to col. 3, line 6).

In considering claims 4, and 14, Dan et al., disclose a system including sending television content to a plurality of clients (see fig. 1, element 130).

In considering claims 5-7, 15-17, 22 and 23, Dan et al., disclose a system wherein assigning an individual identifier includes assigning a code portion that identifies a particular client as belonging to a subset of clients within the set of clients (col. col. 1, lines 50-67 and col. 2, line 61 to col. 3, line 6).

In considering claims 8, and 18, Dan et al., disclose a system including sending a message to a client in a unidirectional Messaging system (a pushing message to the client)(col. col. 1, lines 50-67 and col. 2, line 61 to col. 3, line 6).

CONCLUSION

6. The prior art made of record and relied upon is considered pertinent to the applicants disclosure.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abdullahi E. Salad** whose telephone number is **(703) 308-8441**. The examiner can normally be reached on Monday to Friday from **8:30 AM to 5:00 PM**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Etienne, Ario** can be reached at **(703)308-7562**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703)305-3900**.

Any response to this action should mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:


(703) 746-7238, (after final communications)

(703) 746-7239, (Official communications)

(703) 746-7240, (Non-Official/Draft).

As

10/17/2003


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